IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1463 OF 2005

Sameer Agarwal ...Petitioner

vs.

The State of Maharashtra ...Respondent

Ms Deepa Kamath for the Applicant
Mr.K.V.Saste, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JUNE 9,2005.

P.C.:

1. Rule. Learned A.P.P. waives service. Taken up for hearing forthwith. On 29th March 2004 under the orders of Additional Chief Metropolitan Magistrate the Petitioner was enlarged on bail pending the trial. On 11th May 2005, the learned Additional Sessions Judge cancelled the bail on the ground that the Petitioner had sought adjournment on the ground that he was desirous of changing his Advocate. Under the order dated 11th May 2005 the learned Judge noted that the trial is expedited at the request of the Petitioner and it is part heard and therefore the adjournment sought by the Petitioner was with a view to create obstacles in the smooth trial and that is the reason for cancelling the bail. The Petitioner moved the same learned Judge for recalling the said order. However, the learned Sessions Judge did not accept the prayer made by the Petitioner.

2. The learned Counsel appearing for the Petitioner stated

that now the Petitioner has engaged the services of another lawyer. The learned Counsel for the Petitioner assures the Court that the Petitioner will cooperate with the learned Trial Judge in early disposal of the case. The learned A.P.P. opposed the Petition.

3. Considering the fact that the Petitioner sought time on the ground that he was desirous of changing the Advocate, one more opportunity deserves to be granted to the Petitioner. The Petitioner was enlarged on bail by order dated 29th March 2004 and there is no allegation as regards any breaches of the conditions committed by the Petitioner.

4. In the circumstances, the order dated 11th May 2005 deserves to be quashed and set aside and the Petitioner deserves to be enlarged on bail subject to furnishing fresh bail bonds.

5. It is made clear that if the Petitioner makes any further attempt to delay the trial, bail granted will be liable to be cancelled.

6. Hence, I pass the following order :

i) The order dated 11th May 2005 is quashed and set aside.

ii) Pending the trial the Petitioner is ordered to be enlarged

on the same bail which was granted by the learned Additional Chief Metropolitan Magistrate by order dated 29th March 2004 subject to the condition that the Petitioner will furnish fresh bailbonds within a period of two weeks from today. If the Petitioner does not cooperate in early disposal of the trial, and attempts to seek adjournments on unreasonable grounds, the bail granted will be liable to be cancelled.

iii) Rule is made absolute in above terms.

JUDGE